

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

FILED
CHARLOTTE, NC

APR 04 2024

US DISTRICT COURT
WESTERN DISTRICT OF NC

CEDRIC, CALDWELL

Plaintiff,

COMPLAINT

vs.

SERGEANT CARROLL

EMPLOYEE Mr. Adkins

EMPLOYEE Mr. Lay

Case No. 457 U.S. 922, 102 S.Ct 2744, 73 L.Ed. 2d 482 (1982)
5:24-cv-96-MR

Defendant(s).

A. JURISDICTION

Jurisdiction is proper in this court according to:

42 U.S.C. §1983

42 U.S.C. §1985

Other (Please specify) COVER CASES such as Sexual Harassment and Sexual ABUSE RM

B. PARTIES

1. Name of Plaintiff: CEDRIC CALDWELL
Address: MARION CORRECTION INSTITUTION #3730
355 OLD GLENWOOD ROAD
MARION, N.C. 28752

2. Name of Defendant: MR. CARROLL, ~~REMOVED~~, ~~REMOVED~~, ~~REMOVED~~
Address: ALEXANDER Correctional Inst. #4870
334 Old Landfill Rd
Taylorsville, N.C. 28681

Is employed as SERGEANT at Axc #4870 Prison
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES NO , if "YES" briefly explain:

Employee MR. Carroll gave orders to have the sexually ACT performed unprofessionally by his (2) employees, Mr. Carroll also made harsh, aggressive sexually Threats as well

3. Name of Defendant: Sergeant Employee MR. Adkins
Address: ALEXANDER Correctional Instit
336 OLD LANDFILL Road
TAYLORSVILLE, N.C. 28681

Is employed as lower Rank official at AXCI #4870 "Prison"
(Position>Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES NO , if "YES" briefly explain:

THE Employee to whom forced me into SEXUAL ACTIVITY and Made Co-Sign Threats to USE OC pepper spray and place me in Chains IF I didn't follow orders.

4. Name of Defendant: Employee MR. Lay
Address: ALEXANDER Correctional Instit
336 OLD LANDFILL Road
TAYLORSVILLE, N.C. 28681

Is employed as Lower Rank official at AXCI #4870 "Prison"
(Position>Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES NO , if "YES" briefly explain:

THE Employee to whom forced me into SEXUAL ACTIVITY and made Threats to O.C. pepper Spray me and put me in chains IF I didn't follow orders

(Use additional sheets if necessary.)

C. NATURE OF CASE

Why are you bringing this case to court? Please explain the circumstances that led to the problem.

AFTER (an) RANDOM SEARCH by Sergeant Carroll on BLUE Unit within Alexander facility (I) had being strip-searched NAKED

IN ONE OF STAFF BATHROOMS by official Mr. Cook on DATE 2/18/24
at hours 8:50 - 8:58 AM. ONCE ESCORTED TO LOWER RED UNIT SEC
SERGEANT CARROLL USED ACCESSIVE AND AGGRESSIVE PROFANITY O.200 TOWARDS
ME SAYING WATCH WHAT HAPPEN TO YOUR LITTLE A-- CHEEKS AND A-- HOLE
(I) WAS SCARED SERGEANT TOLD (2) MORE EMPLOYEES
Case 5:24-cv-00096-MR Document 1 Filed 04/04/24 Page 2 of 10
Mr. Lay and Mr. Adkins to MESS WITH ME IN A SEXUALLY WAY

C. NATURE OF CASE

3/29/24

Both Employees escorted me inside Segregation A pod - to Inmate Shower , and Made Me Strip naked again , told me to Shake my Penis up and down motion , force me to Keep doing so , I ~~realized~~ realized at the moment , they were forcing me to do Sexually things , They made me turn around and Spread my as = checks , forced me to Keep doing so over-and-over , I STOP and Yelled at Both employees with anger , "I STATED I was gonna report them and write an Complaint": Both Employees Mr. Adkins and Mr. Lay SCREAMED they did NOT CARE , that if I didn't obey their orders they was going to USE OC pepper spray and put me in Chains (I) WAS SCARED and Done what they directed me to do , I cried and got irritated started cursing , WHEN Sergeant Carroll came into the Segregation A pod I told him They were in Violation of my Constitutional Rights that I was going to Write a Grievance #10 under "PREA" ACT and follow Suit: Sergeant Carroll stated I don't give a fuck you stupid sum-bitch , Make Sure you Spell my name correct , You dumb piece of shit " I was removed from the Shower placed in the rec-Cage " where a Camera watched the whole performance I also mention to file suit for him using and directing accessible and aggressive Use of Profanity under the North-Carolina Guild lines Policy and Procedures , All inmate yell towards them saying Y'all can't Do that man Like that , Sergeant Carroll yell I can do what I want , IF I Want I can Shove my flash light up his a^sCase 5:24-cv-00096-MR Document 2 Filed 04/04/24 Page 3 of 10

ATTACHMENT SHEET

2 of 3

C. NATURE OF CASE

Grievance "PREA" against all (3) employees. My Grievance
when was accepted by Unit Manager Mr. William N. FARRISH
on 2/21/24.

My Investigating STAFF was Unit Manager Name Mr. Porch
who asked me if I wanted (an) "PREA" SUPPORTIVE I said
Yes... I Never got a STEP 1 RESPONSE OR STEP 2. I
never got to speak with NO "PREA" "Supportive,
Because I was immediately Transfer out the facility
of AXI #4870 "Employees trying to help them COVER UP the
situation, MY new location is Marion Correctional Institution
#3730

Witness Signature

Cecilia Caldwell

4/06/16

G. REQUEST FOR RELIEF

I believe I am entitled to the following relief:

I prose, alleged my Constitutional Rights, privileges, and privacy was highly violated under (PREA&CT) due to the claim I request RELIEF for \$75. Thousand dollars from each employee. Under the JUVENILE REVIEW Board: I filed a Clemency petition Due to I was 16 years of age when I committed an crime, and was Sentence: My Clemency Package is being Review now by Wilson and Justice Center at Duke Law University in Durham, N.C., I request a EARLY release also.

JURY TRIAL REQUESTED YES NO _____

Signed at Cedric CALOWELL on 3/28/24
(Location) (Date)

Cedric J. Calowell
Signature

Address: Marion Correctional Institution #3730

355 Old Glenwood Road

Marion, NC 28752

Phone: — (828) 689-7810

E-Mail: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed/ delivered to the following individuals at the addresses listed:

MR. Carroll, Mr. Lay, and Mr. Adkins
Alexander Correctional Institution #21870
336 old Landfill Road
Taylorsville, N.C. 28681

This the 28 day of March, 2024.

Cedric Caldwell

Signature

CEDRIC CALDWELL

(Print Name)

Request For RELIEF

ATTACHMENT
SHEET

IF THIS CLAIM IS RULED IN MY FAVOR, THE REQUESTED MONEY DAMAGES AND VIOLATION \$75. THOUSAND FROM EACH EMPLOYEE IS THE TOTAL OF 225. THOUSAND DOLLARS, I DO UNDERSTAND THAT MONEY WILL BE SUBSTRACTED FOR COURT, FILING, AND ADMINISTRATION FEES.

- Please be advised THE CLEMENCY PETITION IS FILED. WAS OFFER BY NORTH-CAROLINA GOVERNOR MR. ROY COOPER AROUND SEPT/OCT OF 2021. THE CLEMENCY REVIEW BOARD AT WILSON AND JUSTICE CENTER DUKE LAW UNIVERSITY IN DURHAM N.C. HAS BEEN REVIEWING MY PETITION FOR OVER 2 YEARS NOW...
- I COMMITTED MY CRIME AND WAS SENTENCED IN DEC. 1993 WHEN I WAS 16 YEARS OF AGE. I HAVE DONE 30 PLUS YEARS I AM 47 YEARS OLD...

FILED CLEMENCY UNDER JUVENILE REVIEW BOARD

Signature

Cedric J. Caldwell

3/28/24

D. CAUSE OF ACTION

I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

- a. (1) Count 1: "Retaliation and UnProfessional"
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)
EACH Employee ACTED OUT OF RETALIATION, for the CAUSE OF I EXPOSE Sergeant Carroll who was caught in THE ACT OF planting a Homemade weapon in my Cell earlier while he Conduct a cell-Search on 2/18/24.
- b. (1) Count 2: Failure to obey and follow the SAH 101 Refresher Training Skills
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)
EACH EMPLOYEE has A STATE OF mind against ME OF MADNESS, anger with disgust. Their Actions showed Signs of a more Personal Reason to why they performed Such (an) ACT !!!

E. INJURY

How have you been injured by the actions of the defendant(s)?

I was Injury from destruction of ~~exp~~ being force to expose my private Area, Suffer Emotional Distress inside and outside every time I think about this Incident; My Personal MAN-Hood was injuried ~~and lost~~ because of the sign of violation done by each Employee ...

MOTION PENDING

F. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action? YES _____ NO

If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

1. Parties to previous lawsuits:

Plaintiff(s): N/A

Defendants(s): N/A

2. Name of court and case or docket number:

N/A

3. Disposition (for example, was the case dismissed? Was it appealed? Is it still pending?)

N/A

4. Issues raised:

N/A

5. When did you file the lawsuit?

Date: Month/Year

6. When was it (will it be) decided?

N/A

Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D? YES _____ NO _____

If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

Civil Discovery SHEET

3/29/24

Request following be
gather:

- (1) Please request & Copy of Grievance written on 2/19/24,
- (2) Request for (Screening Response) Regarding Corieuvance NO: 4870-2024-MPODE-22407
- (3) Plus request Documentation be gather from Investigating "PREA" manager Unit Manager Mr. Porch
- (4) Please be aware I never received STEP 1 or STEP 2 response of the Grievance (Nor) did I ever have chance to see my "PREA supportive", I was Transfer out:
- (5) *Report to My New location Marion Correctional Institution #3730 for Copy of my Mental Health Records and What Medication -
- (6) Also request for Documentation regarding my A.D.A Accommodation diagnosis
- (7) Requesting Camera Footages Time 8:45 p.m. 2/18/24 BLUE Unit C-Block til I left out the block and I was 1st strip NAKED in STAFF Bath - away til I Got to lower Red unit Segregation A-Block when major Sexual Harassment happen ... 9:00 am to 9:40 am
- (8) Request Info when I was first Admin in the Prison and how old I was...
- (9) *Also Get copies of my Petition of Clemency "Establishing THE Juvenile Review Board - Get info from Wilson and Justice Center of Science "Duke law University in Durham, N.C.

Signature Premission Cedric J. Caldwell